



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 2/27/2018

Agenda Placement: 6P

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Steven Lederer - Director of Public Works
Public Works
REPORT BY: Steven Lederer, Director, Public Works - 259-8228
SUBJECT: Indemnification Agreement at 1023 Bell Lane

RECOMMENDATION

Director of Public Works requests approval of and authorization for the Chair to sign an indemnification agreement with Tim L. and Mary B. Herman for their property located at 1023 Bell Lane (APN 049-223-003), relieving the County of liability in the event County maintenance activities were to cause damage to their improved driveway at any time in future.

EXECUTIVE SUMMARY

On January 5, 2018, the County of Napa approved an exception to the Road and Street Standards which allowed the property owners at 1023 Bell Lane to legally complete a driveway using non-standard materials. Because these non-standard materials were not deemed to be a safety hazard, but would be subject to damage by normal road maintenance activities, the exception request was granted on the condition that an indemnification agreement be executed between the property owners and the County. In summary, the property owners are prevented from making claims against the county in the event their pavers are damaged during the course of regular county maintenance or roadway improvements.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Categorical Exemption Class 1: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 ("Existing Facilities") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

BACKGROUND AND DISCUSSION

On December 21, 2017, an exception from the Napa County Road and Street Standards was submitted regarding a recently completed (but not permitted) driveway at 1023 Bell Lane. The request was to waive the requirement for the type of allowable materials to be used for construction of the driveway, specifically requesting the use of Belgard paver stones (pavers) instead of the required hot mix asphalt over 5 inches of class 2 aggregate base (asphalt). The County responded to this request on January 5, 2018, granting the requested exception under various conditions. The approval letter is attached, and provides additional background on the case, the basis for the requirement and the unique nature of the property that allowed the exception, and the conditions the property owners must meet in order to make use of the exception.

Condition 4 required that: "The applicant shall prepare, in a form acceptable to County Counsel, a release of liability accepting responsibility for maintaining the concrete and pavers and for conforming the driveway to the county road, and waiving any responsibility the County may have should the concrete or pavers be damaged in any way during the course of maintaining the County road system. Such agreement must be completed and recorded against the property on or before May 1, 2018."

SUPPORTING DOCUMENTS

A . Response to Exception Request

CEO Recommendation: Approve

Reviewed By: Bret Prebula